

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 14, 2010

DIVISION TWO

B220649 Antonio Margarito (Certified for Publication)
v.
California State Athletic Commission

The judgment is affirmed. The Commission is awarded its costs on appeal.

Chavez, J.

We concur: Boren, P.J.
 Doi Todd, J.

[illegible]

The Court:

The order under review is affirmed.

Boren, P.J., Doi Todd, J., Chavez, J.

B218449 People (Not for Publication)
v.
Lee

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Chavez, J.

DIVISION TWO (continued)

B219633 People (Not for Publication)
v.
Satrustegui

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B221970 Essex Insurance Company (Not for Publication)
v.
Professional Building Contractors, Inc.

The judgment is reversed and the trial court is directed to enter a new judgment awarding PBC punitive damages in the amount of \$706,101.77, with no provision for an award of prejudgment interest. Moreover, this amount is to remain unchanged regardless of any prejudgment interest modification to the compensatory damages award. The trial court ruled that punitive damages should be “equivalent”—not equal—to the compensatory damages award. The trial court is further directed to include an award of postjudgment interest at the legal rate running from December 29, 2009, the date of the original judgment on punitive damages. (See *Snapp v. State Farm Fire & Cas. Co.* (1964) 60 Cal.2d 816, 820–822; *General Ins. Co. v. Mammoth Vista Owners’ Assn.* (1985) 174 Cal.App.3d 810, 829.) PBC is entitled to its costs on appeal.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

DIVISION TWO (continued)

B219506 Bagumyan, et al. (Not for Publication)
 v.
 Medtronic, Inc., et al.

The judgment is affirmed. Medtronic is entitled to its costs on appeal.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
 Chavez, J.

DIVISION THREE

B221351 People (Not for Publication)
 v.
 West

The judgment (order revoking probation) is ordered modified to reflect a restitution fine and a parole revocation restitution fine under Penal Code sections 1202.4 subdivision (b) and 1202.45 in the amount of \$200, to strike the \$30 fee imposed pursuant to Government Code section 70373, and to reduce the fee imposed pursuant to Penal Code section 1465.8, subdivision (a)(1) to \$20. The clerk of the superior court shall prepare and forward to the Department of Corrections and Rehabilitation an amended abstract of judgment reflecting the above modifications. Additionally, the criminal protective order issued December 3, 2009, is ordered modified to remove Robert S. as a protected person. In all other respects, the judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION THREE (continued)

[illegible]

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B208209 George (Not for Publication)
v.
Saedifar, et al.

The judgments are affirmed. Defendants Saedifars, Diamond, and the Firm shall recover their costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FOUR

Court convened at 9:00 a.m.

Present: Epstein, P.J., Willhite, J., Suzukawa, J. and S. Veverka, Deputy Clerk.

Each of the following:

B214310 People v. D.V.
B223264 DCFS v. Araceli L.
B221858 Chhabra, et al. v. Perry

Argument waived, cause submitted.

DIVISION FOUR (continued)

B217709 People
 v.
 Caballero

Merits:

Argued by David E. Durchfort for appellant and by Lauren E. Dana, Deputy Attorney General, for respondent. Submission deferred, Supplemental briefs due. Matter shall stand submitted upon receipt of appellant's supplemental brief.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Epstein, P.J., Willhite, J., Suzukawa, J. and S. Veverka, Deputy Clerk.

Each of the following:

B218510 People v. Zimmerman
B219073 People v. J.N.

Argument waived, cause submitted.

B220558 People
 v.
 Hernandez

Merits:

Argued by John L. Staley for appellant and by Jaime L. Fuster, Deputy Attorney General for respondent. Cause submitted.

B216924 People
 v.
 Barragan

Merits:

Argued by Jerome Mcguire for appellant and by Susan S. Kim, Deputy Attorney General for respondent. Cause submitted.

DIVISION FOUR (continued)

B220598 CB Richard Ellis, Inc.
v.
Jefferson 38, LLC

Merits:

Argued by Brenda D.E. Yanoschik for appellant and by Derek S. Whitman for respondent. Cause submitted.

B219323 Los Angeles County, D.C.F.S.
v.
Gregory D.

Merits:

Argued by Leslie Ellen Shear for appellant and by Jacklyn K. Louie, Deputy County Counsel for respondent. Cause submitted.

Court Adjourned.

DIVISION FIVE

B219520 Edi Faal (Not for Publication)
v.
Solomon Davis

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.
 Kriegler, J.

DIVISION FIVE (continued)

B223781 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 A.G.
 A.S.

The judgment is affirmed.

Armstrong, Acting P.J.

We concur: Mosk, J.
 Kriegler, J.

B215608 Syrus Parvizian (Not for Publication)
 v.
 California Department of Transportation

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

B220440 Howard Entertainment
 v.
 Lisa Kudrow, et al.

Filed order modifying opinion. (No change in the judgment)

DIVISION SIX

B224691 People (Not for Publication)
v.
Acosta

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Perren, J.

B215239 Pappas (Not for Publication)
v.
Farr

The judgment is affirmed. Respondent(s) to recover costs.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B219935 Steller (Certified for Publication)
v.
Sears Holding Management Company

The judgment is construed as (1) impliedly decreeing that the terms of the settlement agreement encompass the settlement of both the disability discrimination and workers' compensation claims, and (2) impliedly decreeing that the validity of the settlement agreement is conditional upon the WCAB's approval of the settlement of the workers' compensation claim. If the WCAB does not grant its approval, the settlement agreement shall be of no force or effect. As so construed, the judgment is affirmed. Respondent shall recover its costs on appeal.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SIX (continued)

B214895 People (Not for Publication)
v.
Chester

The order for commitment finding Chester to be an SVP and committing him to the custody of the DMH is affirmed, except as to the commitment for an indeterminate term. In light of the holding in *McKee*, the matter is remanded to the trial court for consideration of Chester's argument that an indefinite commitment violates equal protection, with directions to the trial court to hold proceedings and to resolve the issue of whether the People can prove a factually based justification for treating SVPs differently than MDOs and NGIs. The trial court, however, shall suspend further proceedings in the case pending finality of the proceedings on remand in *McKee*. (*People v. McKee, supra*, 47 Cal.4th at pp. 1208-1210.) Finality of the proceedings in *McKee* shall include the finality of any subsequent appeal and any proceedings in the California Supreme Court.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B223081 People
v.
Angle

Filed order granting motion to dismiss appeal. The appeal filed 3-11-10 is dismissed.

B215324 People
v.
Hammler & Cray

Filed order modifying opinion. Appellant Cray's petition for rehearing is denied. (No change in the judgment)

DIVISION SEVEN

B217416 Lewis Brisbois Bisgaard & Smith LLP (Not for Publication)

V.

Greer-Jarman, et al.

The judgment is reversed. Greer-Jarman and Pulliam are to recover their costs on appeal.

Perluss, P.J.

We concur: Woods, J.

Zelon, J.

B209120 People (Not for Publication)

V.

Robles

The judgment is affirmed. The clerk of the superior court is directed to prepare and forward to the Department of Corrections and Rehabilitation an amended abstract of judgment striking the parole revocation fine.

Jackson, J.

We concur: Perluss, P.J.

Woods, J.

B215814 Parvizian (Not for Publication)

V.

California Employment Development Department, et al.

The order is dismissal is affirmed. Defendants are awarded their costs on appeal.

Jackson, J.

We concur: Perluss, P.J.

Zelon, J.

DIVISION SEVEN (continued)

[illegible]

The judgment is affirmed.

Jackson, J.

We concur: Woods, Acting P.J.
Zelon, J.

B214282 Linda Damm (Not for Publication)
v.
John Wagner, et al.

The judgment is affirmed. The parties are to bear their own costs on appeal.

Perluss, P.J.

We concur: Woods, J.
Jackson, J.

B223155 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Stephanie C.

The March 4, 2010 orders are affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

DIVISION EIGHT

B222277 Suminarti Sayuti Yusuf (Not for Publication)
v.
Andrew Tija, et al.

The judgment is affirmed. Respondent to recover her costs on appeal.

Bigelow, P.J.

We concur: Rubin, J.
Grimes, J.

B222995 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Donna S.,
In re P.S. et al., Persons Coming Under the Juvenile Court Law.

The order of March 10, 2010, continuing the dependency court's jurisdiction over the children is affirmed.

Rubin, Acting P.J.

We concur: Grimes, J.
O'Connell, J. (Assigned)

B218889 People (Not for Publication)
v.
Larry Bar

The judgment is affirmed.

Rubin, Acting P.J.

We concur: Flier, J.
Grimes, J.

DIVISION EIGHT (continued)

B217071 Anthony La Rocca, et al. (Not for Publication)
 v.
 Victoria Ann Briasco

The May 12, 2009 order awarding attorney fees against appellants is affirmed. Respondent shall recover her costs on appeal, including attorney fees.

Grimes, J.

We concur: Bigelow, P.J.
 Rubin, J.